

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	10/540,071	Confirmation No.:	2667
Applicant(s):	Martin HIRSCH et al.	Group Art Unit:	1793
		Examiner:	John A. Hevey
Filed:	January 17, 2006		
		Customer No.:	27123
For:	PROCESS AND PLANT FOR PRODUCING METAL OXIDE FROM METAL COMPOUNDS		

**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(C)
TO OBVIATE PROVISIONAL DOUBLE PATENTING REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Identity of Assignee

The petitioner, Outotec Oyj, having a business address at Riihitontuntie 7, Espoo, Finland FI-02200, is the owner of the entire right, title and interest in the above-identified application, Serial No. 10/540,071, by virtue of assignments recorded on May 11, 2006 at Reel/Frame No 017603/0418, October 16, 2008 at Reel/Frame No 021693/0368, and on October 16, 2008 at Reel/Frame No 021693/0318. The petitioner is also the owner of the entire, right, title and interest in Serial No. 10/540,438.

Identification of Person(s) Making This Disclaimer

Name of disclaimant: Andrew D. Cohen. Disclaimant represents that he/she is a Registered Patent Attorney/Agent, Registration No. 61,508, and an Attorney/Agent of Record for the above-identified application, and authorized to sign on behalf of the assignee identified above.

Extent of Interest

The extent of assignee's interest is in the whole of this invention.

Declaration Under 37 C.F.R. § 3.73(b)

I, the undersigned, have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

Disclaimer

The petitioner, through its Attorney/Agent of Record, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, of the U.S. Patent issuing from application Serial No. 10/540,438. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the U.S. Patent issuing from application Serial No. 10/540,438 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the U.S. Patent issuing from application Serial No. 10/540,438, in the event that the U.S. Patent issuing from application Serial No. 10/540,438 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination

certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Fee Status

(37 C.F.R. § 1.20(d) and 37 C.F.R. § 1.321)

☒ large entity--fee \$140.00

☐ small entity--fee \$70.00

Fee Payment

☐ Attached is a check in the sum of \$.

☒ Charge Deposit Account 13-4500, Order No. 4791-4012 any fee required by this paper.

AUTHORIZATIONS:

The Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this Terminal Disclaimer under 37 C.F.R. §§1.16 -§1.20 or credit any overpayment to Deposit Account No. 13-4500, Order No. 4791-4012.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 23, 2008

/Andrew D. Cohen/

Andrew D. Cohen

Registration No. 61,508

Correspondence Address:

Address Associated With Customer Number:
27123

(212) 415-8700 Telephone

(212) 415-8701 Facsimile